DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. <u>SUNMP303/SUN-P5446</u>

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD AND APPARATUS FOR SIMULTANEOUS OPTIMIZATION OF CODE TARGETING MULTIPLE MACHINES**, the specification of which,

(check one)   1. ☐   is attached hereto.

2. ☒   was filed on ___March 30, 2001_____ as
U.S. Application Serial No. _09/823,207_____
and was amended on _____

3. ☐   was filed on _____ as
International PCT Application Serial No. _____
and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Benefits Claimed?

☐ Yes ☐ No

| _____ | _____ | _____ |
| (Appl. No.) | (Country) | (Date Filed Day/Month/Year) |

☐ Yes ☐ No

| _____ | _____ | _____ |
| (Appl. No.) | (Country) | (Date Filed Day/Month/Year) |

And I hereby appoint the practitioners associated with <u>Customer Number 32,291</u>, being the attorneys and/or agents of MARTINE & PENILLA, LLP and the attorneys and/or agents of SUN MICROSYSTEMS, INC., as my principal attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, provided that if any one of above-said attorneys ceases being affiliated with Customer Number 32,291, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Send Correspondence To: Albert S. Penilla, Esq.
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                              Customer Number 32,291

Direct Telephone Calls To: Albert S. Penilla at telephone number (408) 749-6900.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name
of First Inventor: Partha P. Tirumalai _____   Citizenship: USA _____

Inventor's signature: _*(signature)*_____   Date of Signature: 09-13-2004

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Typewritten Full Name
of Second Inventor: Mahadevan Rajagopalan _____   Citizenship: India _____

Inventor's signature: _*(signature)*_____   Date of Signature: 09/13/2004

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